

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

MANJUNATH A. GOKARE, P.C., and
GOLDSTEIN, DEMCHAK, BALLER,
BORGES & DARDARIAN, P.C., on behalf of
themselves and a class of all persons similarly
situated,

Plaintiffs,

v.

FEDERAL EXPRESS CORPORATION, and
FEDEX CORPORATE SERVICES, INC.,

Defendants.

Civil Action File No.
2:11-CV-2131-JTF-CGC

CLASS ACTION
JURY TRIAL

**PLAINTIFFS' APPLICATION FOR ATTORNEYS' FEES PURSUANT TO
THIS COURT'S APRIL 8, 2013 ORDER**

On April 8, 2013, this Court granted Plaintiffs' Motion for Relief of Defendants' Violation of this Court's January 23, 2012 and December 10, 2012 Orders Regarding Confidentiality Designations ("Motion") and Plaintiffs' Supplemental Motion in Support of their Motion for Relief of Defendants' Violation of this Court's January 23, 2012 and December 10, 2012 Orders Regarding Confidentiality Designations ("Supplemental Motion"). Dkt. No. 228. In the Order granting Plaintiffs' Motion and Supplemental Motion, this Court found that "Defendants have and continue to designate documents as 'Confidential' that do not meet the requirements of that designation under the Court's Confidentiality Order, and thus are in violation of the Court's December 10, 2012 Order." Dkt. No. 228 at 2. The Court also found that "[i]n light of this violation, and the Court's December 10, 2012 Order putting Defendants on notice that continuing violations of the Court's Confidentiality Order could result in sanctions,

the Court hereby awards Plaintiffs their reasonable attorneys' fees and expenses in bringing this Motion." *Id.* at 4. The Court ordered the parties to "meet and confer to determine whether they can agree on [the] amount" of attorneys' fees and expenses, and stated that "[i]f an agreement cannot be reached within 10 calendar days, Plaintiffs shall submit their requested fees to the Court." *Id.*

Pursuant to that Order, Plaintiffs conferred with Defendants seeking agreement on the amount of attorneys' fees and expenses. Defense counsel informed Plaintiffs that no agreement would be forthcoming because Defendants intended to appeal the Court's order. As a result, Plaintiffs submit their application for attorneys' fees and expenses.

As set forth in the attached Affidavit of Steven Rosenwasser, Plaintiffs incurred at least \$17,679.00 in fees and \$300 in expenses in connection with the Motion and Supplemental Motion. Plaintiffs hereby request that the Court order Defendants to pay Plaintiffs the sum of \$17,979.00. Plaintiffs reserve the right to seek the additional attorneys' fees and expenses they incur in responding to any appeal of this Court's Order.

Respectfully submitted on this 16th day of April, 2013.

/s/ Steven Rosenwasser

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CERTIFICATE OF SERVICE

I certify that, on April 16, 2013, I electronically filed this PLAINTIFFS' APPLICATION FOR ATTORNEYS' FEES PURSUANT TO THIS COURT'S APRIL 8, 2013 ORDER with the Clerk of the Court using the CM/ECF system, which will notify the other counsel of record:

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